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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 MARIBEL GOMEZ,

11 Petitioner,

12 v.

13 DOUGLAS COLE,

14 Respondent.  
15

Case No. C09-5555RBL/JRC

REPORT AND  
RECOMMENDATION  
TO DENY *IN FORMA*  
*PAUPERIS* STATUS

**NOTED FOR:**  
**January 8, 2010**

16 This habeas corpus action, filed pursuant to 28 U. S.C. 2254, has been referred to the  
17 undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and  
18 Local Magistrate Judge's Rules MJR 3 and MJR 4.

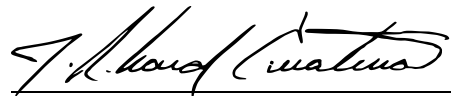
19 On September 14, 2009, Petitioner filed a proposed petition and a motion to proceed *in*  
20 *forma pauperis*. A deficiency letter was sent to petitioner on September 17, 2009. That letter  
21 informed petitioner that she needed to supply a copy of her inmate trust account statement and a  
22 written consent for costs form. The letter also informed her that the court needed service copies  
23 (Dkt. # 2). Petitioner did not respond. On November 3, 2009, an Order to Show Cause was  
24 entered (Dkt. # 3). That Order gave petitioner until November 27, 2009, to respond (Dkt. # 3).  
25 Documents were received on November 16, 2009, and filed as a response, review of the  
26 documents shows the filing is not related to the Order to Show Cause (Dkt. #4). Petitioner has

1 failed to provide her prison trust account statement, a written consent for costs form, and service  
2 copies of the petition. The court recommends the motion to proceed *in forma pauperis* be  
3 DENIED. Petitioner should be given thirty days to pay the five dollar (\$5.00) filing fee. If the  
4 filing fee is not received, the petition should be dismissed without prejudice.

5 The district court may permit indigent litigants to proceed *in forma pauperis* upon  
6 completion of a proper affidavit of indigence. See 28 U.S.C. § 1915(a). However, the court has  
7 broad discretion in denying an application to proceed in forma pauperis. Weller v. Dickson, 314  
8 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). Petitioner has failed to provide the  
9 court with the information the court needs to determine if a grant of *in forma pauperis* status is  
10 warranted in this case. Accordingly, the court recommends that the motion be DENIED.

11 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil  
12 Procedure, the parties shall have ten (10) days from service of this Report to file written  
13 objections. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those  
14 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the  
15 time limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on  
16 **January 8, 2010**, as noted in the caption.

17 DATED this 1<sup>st</sup> day of December, 2009.

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20 J. Richard Creatura  
21 United States Magistrate Judge  
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